

OCCUPATIONAL THERAPY ADVISORY COUNCIL

STATUTES

N.J.S.A. 45:9-37.51 et seq.

"Occupational Therapy Advisory Council Licensing' Act"

Historical and Statutory Notes

1992 Legislation

L1992, c. 102, § 14, substituted "board" for "director", wherever appearing.

ARTICLE 2C. OCCUPATIONAL THERAPY

45:9-37.51. Short title; Occupational Therapy Licensing Act

This act shall be known and may be cited as the "Occupational Therapy Licensing Act."

L1993, c. 85, § 1, eff. March 18, 1993.

Historical and Statutory Notes

Title of Act:

An Act providing for the licensing of occupational therapists and occupational therapy assis-

tants and supplementing Title 45 of the Revised Statutes. L1993, c. 85.

45:9-37.52. Legislative findings and declaration

The Legislature finds and declares that it is necessary to regulate persons offering occupational therapy services to safeguard the public health, safety, and welfare and to protect the public from incompetent, unscrupulous and unauthorized persons; to assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants; and to guarantee the availability of occupational therapy services of high quality to persons in need of those services.

L1993, c. 85, § 2, eff. March 18, 1993.

45:9-37.53. Definitions

As used in this act:

"Council" means the Occupational Therapy Advisory Council established pursuant to section 4 of this act.¹

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of this act.

"Occupational therapy" means the evaluation, planning and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximal physical or mental functioning, or both, of the individual in his daily occupational performance. The tasks of daily living may be threatened or impaired by physical injury or illness, developmental deficits, sensorimotor dysfunction, psychological and social dysfunction, the aging process, poverty, or cultural deprivation. Occupational therapy utilizes task oriented activities adapted to prevent or correct physical or emotional deficits as well as to minimize the disabling effects of those deficits on the life of the individual. Occupational therapy services include the use of specific techniques which enhance functional performance and include, but are not limited to, the evaluation and assessment of an individual's self care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational and prevocational capacities, the design, fabrication and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the administration of standardized and nonstandardized assessments, and consultation concerning the adaptation of physical environments for the handicapped. These services are provided to individuals or groups through medical, health, educational and social systems.

"Occupational therapy assistant" means a person licensed pursuant to the provisions of this act to assist in the practice of occupational therapy under the supervision of or in collaboration with an occupational therapist on a regularly scheduled basis for the purpose of the planning, review or evaluation of occupational therapy services.

Last additions in text indicated by underline; deletions by ~~strikeouts~~

"Purposeful activities" means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for or prevent dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological and social elements that produce positive adaptation and motivational behavior.

"Supervision" means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The form and extent of the supervision shall be determined by the council.

"Task oriented activities" means purposeful activities having an explicit, observable and measurable short-term goal which contributes to the well-being of self or others. L.1993, c. 85, § 3, eff. March 18, 1993.

¹ Section 45:9-37.54.

45:9-37.54. Occupational therapy advisory council; establishment; members; term of office; vacancies; removal from council

There is established in the Division of Consumer Affairs in the Department of Law and Public Safety an Occupational Therapy Advisory Council appointed by the Governor, with the advice and consent of the Senate, which shall serve as an advisory body to the Director of the Division of Consumer Affairs. The council shall consist of seven members who are residents of the State, four of whom shall be licensed occupational therapists having at least five years of experience in occupational therapy in this State immediately preceding appointment, one of whom shall be a licensed occupational therapy assistant having at least five years of experience in occupational therapy in this State immediately preceding appointment, and two of whom shall be public members. The first occupational therapist and occupational therapy assistant members shall be qualified for licensure pursuant to the provisions of this act.

Except for those first appointed, members shall serve for a term of three years. Each member shall hold office until the appointment of his successor. A vacancy in the office of any member shall be filled for the unexpired term only. The initial appointment to the council shall be two members for terms of one year, two members for terms of two years, and three members for terms of three years. No member shall serve more than two successive terms.

The Governor may remove any council member for misconduct, incompetency or neglect of duty after providing the council member with a written statement of charges and an opportunity for a hearing thereon.

L.1993, c. 85, § 4, eff. March 18, 1993.

45:9-37.55. Oath taken by council members; election of chairperson and vice-chairperson; meetings

The members of the council, before entering the discharge of their duties, and within 30 days after their appointment, shall take and subscribe to an oath before an officer authorized to administer oaths in this State for the faithful performance of their duties and file the oath with the Secretary of State. The members of the council shall annually elect from their number a chairman and a vice-chairman each of whom shall hold office for one year and until a successor is elected and qualified.

Regular meetings of the council shall be held at such times and places as it prescribes and special meetings may be held upon the call of the chairman or the director. At least two regular meetings shall be held each year.

L.1993, c. 85, § 5, eff. March 18, 1993.

45:9-37.56. Facilities and personnel; reimbursement of council members for expenses

The Attorney General shall provide the director with such facilities and personnel as shall be required for the proper administration of this act and may authorize reimburse-

Last additions in text indicated by underline; deletions by ~~strikeouts~~

ment of the members of the council for their actual expenses incurred in connection with the performance of their duties as members of the council.

L.1993, c. 85, § 6, eff. March 18, 1993.

45:9-37.57. Powers and duties of director

In addition to such other powers and duties as the director may possess by law, the director shall:

- a. Administer, coordinate and enforce the provisions of this act and delegate, at the director's discretion, to the council one or more of the director's powers or duties authorized pursuant to this act;
- b. Evaluate the qualifications of applicants for licensure under this act as an occupational therapist or occupational therapy assistant and administer or approve in consultation with the council the examinations for licensure as an occupational therapist or occupational therapy assistant and issue a license to each qualified applicant;
- c. Investigate allegations of practices violating the provisions of this act;
- d. Establish standards relating to professional conduct, qualifications for professional licensure, ethical standards, and disciplinary proceedings;
- e. Maintain a record of every occupational therapist and occupational therapy assistant licensed in this State, their places of business, places of residence and the date and number of their licenses;
- f. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), except that the director shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;
- g. Do any and all things which may be appropriate to achieve the objectives contemplated by this act.

L.1993, c. 85, § 7, eff. March 18, 1993.

45:9-37.58. Notification of licensing requirement

Within 90 days of the effective date of this act, the director shall make reasonable efforts to notify all occupational therapy practitioners currently practicing in this State of the provisions of this act and the requirement for licensure under the act by sending notice to all licensed health care facilities and to appropriate trade associations.

L.1993, c. 85, § 8, eff. March 18, 1993.

45:9-37.59. License required for practice of occupational therapy; license issued only to individuals

a. No person shall practice occupational therapy, whether or not compensation is received or expected, or represent himself as an occupational therapist or occupational therapy assistant, unless the person holds a valid license to practice in this State.

b. Only an individual may be licensed to practice occupational therapy within the State. No firm, partnership, association or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy services unless an individual holding a current valid license pursuant to the provisions of this act shall be rendering the occupational therapy services.

L.1993, c. 85, § 9.

Historical and Statutory Notes

1993 Legislation

L.1993, c. 85, § 26, approved Mar. 18, 1993, provides:

"This act shall take effect immediately [Mar. 18, 1993], except that section 9 [§ 45:9-37.59]

shall remain inoperative for 180 days following enactment [inoperative until Sept. 14, 1993]."

Last additions in text indicated by underline; deletions by ~~strikeouts~~

45:9-37.60. Practices not requiring license in occupational therapy

The provisions of this act shall not be construed to prevent the following provided that no word, letter, abbreviation, insignia, sign, card or device is used to convey the impression that the person rendering the service is a licensed occupational therapist or occupational therapy assistant:

- a. Any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed;
- b. Any person employed as an occupational therapist or occupational therapy assistant by the federal government, if the person provides occupational therapy services solely under the direction or control of the organization by which he is employed;
- c. Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if the pursuit is part of a supervised course of study and if the person is designated by a title which clearly indicates status as a student or trainee;
- d. Any person fulfilling the supervised fieldwork experience requirements of sections 11 and 12 of this act,¹ if the activities and the services are a part of the experience necessary to meet the requirements of those sections;
- e. Any person performing occupational therapy services in this State if those services are performed for no more than 60 days in a calendar year in association with an occupational therapist licensed pursuant to this act provided that the person is regulated by the laws of another state which has regulatory requirements which are equivalent to those of this State.

L.1993, c. 85, § 10, eff. March 18, 1993.

¹ Sections 45:9-37.61 and 45:9-37.62.

45:9-37.61. Occupational therapist; eligibility requirements

To be eligible for licensure as an occupational therapist, an applicant shall fulfill the following requirements:

- a. Be at least 18 years of age;
- b. Be of good moral character;
- c. Present evidence to the director of having successfully completed the academic requirements of an educational program in occupational therapy approved by the director, in consultation with the council, and accredited by the American Occupational Therapy Association, the World Federation of Occupational Therapy or other nationally recognized programmatic accrediting agency;
- d. Submit to the director evidence of having successfully completed at least 24 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy educational program; and
- e. Successfully complete an examination administered or approved by the director, in consultation with the council, to determine the applicant's competence to practice occupational therapy.

L.1993, c. 85, § 11, eff. March 18, 1993.

45:9-37.62. Occupational therapy assistant; eligibility requirements

To be eligible for licensure as an occupational therapy assistant, an applicant shall fulfill the following requirements:

- a. Be at least 18 years of age;
- b. Be of good moral character;
- c. Present evidence to the director of having successfully completed the academic requirements of an educational program in occupational therapy approved by the director, in consultation with the council;

Last additions in text indicated by underline; deletions by ~~strikeouts~~

d. Submit to the director evidence of having successfully completed at least 12 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy educational program; and

e. Successfully complete an examination administered or approved by the director, in consultation with the council, to determine the applicant's competence to practice occupational therapy.

L.1993, c. 85, § 12, eff. March 18, 1993.

45:9-37.63. Examination for license

The examinations required by sections 11 and 12 of this act¹ shall test the applicant's knowledge of basic and clinical sciences as they relate to occupational therapy, occupational therapy techniques and methods, and any other subjects the director, in consultation with the council, may require to determine the applicant's fitness to practice occupational therapy. Examinations shall be held within the State at least twice a year at a time and place to be determined by the director, in consultation with the council. The director shall give adequate written notice of the examination to applicants for licensure and examination. An applicant who fails an examination may apply for re-examination upon payment of the prescribed fee.

L.1993, c. 85, § 13, eff. March 18, 1993.

¹ Sections 45:9-37.61 and 45:9-37.62.

45:9-37.64. Issuance of license to qualified applicants; disqualifying conduct; renewal of license

a. The director, in consultation with the council, shall issue a license to any applicant who has satisfactorily met all the requirements of this act. No license shall be issued to an applicant if the applicant has: (1) committed any act which if committed by a licensee would be grounds for suspension or revocation; or (2) misrepresented any material fact on the applicant's application.

b. Except in the case of a temporary license issued pursuant to section 17 of this act,¹ all licenses shall be issued for a two-year period upon the payment of the licensing fee prescribed by the director, and shall be renewed upon the filing of a renewal application and the payment of a licensing renewal fee. The director may provide for the late renewal of a license upon the payment of a late fee in accordance with rules and regulations, but no late renewal of a license may be granted more than five years after its expiration.

c. A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the director or the council shall promptly deliver the original license and current biennial registration to the council.

L.1993, c. 85, § 14, eff. March 18, 1993.

¹ Section 45:9-37.67.

45:9-37.65. License issued without examination

For one year following the date procedures for licensure are established by the council, any person who is practicing or residing in this State shall be licensed by the director without examination upon completion of a licensing application and the payment of the appropriate fee if the applicant is certified or registered prior to the effective date of this act by a nationally recognized professional association of occupational therapists approved by the director, except that no license shall be issued to an applicant if the applicant has: a. committed any act which if committed by a licensee would be grounds for suspension or revocation; or b. misrepresented any material fact on the applicant's application. The director may waive the examination for licensure under this act and grant a license to any person who is certified or registered after the effective date of this act by a nationally recognized professional association of occupational therapists approved by the director, if the director, in consultation with the council, determines the requirements for certification or registration are substantially equivalent to the requirements for licensure.

L.1993, c. 85, § 15, eff. March 18, 1993.

Last additions in text indicated by underline; deletions by ~~strikeouts~~

45:9-37.66. Waiver of required examination for holder of a valid license issued by another state

Upon payment to the director of a fee and the submission of a written application on forms provided by the director, the director may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state or territory of the United States or the District of Columbia which has standards substantially equivalent to those of this State as determined by the director, in consultation with the council.

L.1993, c. 85, § 16, eff. March 18, 1993.

45:9-37.67. Temporary license; expiration; renewal

Upon payment to the director of a fee and the submission of a written application on forms provided by the director, the director shall issue a temporary license to a person who has applied for licensure pursuant to this act and who, in the judgement of the director, in consultation with the council, is eligible for licensure pursuant to section 11 or section 12 of this act.¹ A temporary license shall be available to an applicant with his initial application for examination and he may practice only under the direct supervision of a licensed occupational therapist. A temporary license shall expire automatically upon the holder being notified of failure of the licensure examination. The temporary license may be renewed for an additional period until the results of the next licensure examination at which time it shall automatically expire and be surrendered to the director.

L.1993, c. 85, § 17, eff. March 18, 1993.

¹ Section 45:9-37.61 or 45:9-37.62.

45:9-37.68. Inactive license status

The director may grant inactive license status to a licensee who: a. is not actively practicing as an occupational therapist or an occupational therapy assistant; b. does not represent himself as an occupational therapist or an occupational therapy assistant; and c. completes any continuing education requirements which may be established by the director, in consultation with the council.

L.1993, c. 85, § 18, eff. March 18, 1993.

45:9-37.69. Examination requirement met by foreign trained occupational therapist or occupational therapy assistant

A foreign trained occupational therapist or occupational therapy assistant shall satisfy the examination requirements of this act. Prior to taking the examination, the director shall require a foreign trained applicant to furnish proof of good moral character and the completion of educational and supervised fieldwork requirements substantially equivalent to those of this State.

L.1993, c. 85, § 19, eff. March 18, 1993.

45:9-37.70. Fees

The director, in consultation with the council, shall by rule or regulation establish, prescribe or change the fees for licenses, renewals of licenses or other services. Licenses shall be renewed on a biennial basis and shall be renewed upon payment to the director of a renewal fee accompanied by a renewal application on a form prescribed by the director.

The revenue generated from these fees shall not exceed the operating costs of the director and the council required for the implementation of this act.

L.1993, c. 85, § 20, eff. March 18, 1993.

45:9-37.71. Disposition of fees and penalties

All fees and any civil penalties imposed by the director shall be forwarded to the State Treasurer and shall be deposited in the General Fund. All expenditures deemed

Last additions in text indicated by underline; deletions by ~~strikeouts~~

necessary to carry out the provisions of this act shall be paid by the State Treasurer from the funds collected and forwarded by the director subject to, and within the limits of, appropriations made pursuant to law, but expenditures shall not exceed revenues from the operation of this act during any fiscal year.

L.1993, c. 85, § 21, eff. March 18, 1993.

45:9-37.72. Restoration of license after revocation

The director, in consultation with the council, may restore a license after one year from the date of its revocation. The director shall hold a hearing to consider any application for reinstatement.

L.1993, c. 85, § 22, eff. March 18, 1993.

45:9-37.73. Authority of director to enforce licensing requirements; violations

The provisions of the uniform enforcement law, P.L.1978, c. 73 (C. 45:1-14 et seq.) shall apply to this act and the director shall be deemed to have all authority granted to any board under that act. The authority of the director may be delegated to the council at the discretion of the director.

If any person practices without a valid license or holds himself out as being able to practice occupational therapy in violation of section 9 of this act,¹ each day during which the violation continues shall constitute an additional and separate and distinct offense for the purposes of this section.

L.1993, c. 85, § 23, eff. March 18, 1993.

¹ Section 45:9-37.59.

45:9-37.74. Unauthorized practices

Nothing in this act shall authorize: the diagnosis of disease or the practice of medicine and surgery by any person not licensed to do so pursuant to chapter 9 of Title 45 of the Revised Statutes; the practice of psychology by a person not licensed to do so pursuant to the "Practicing Psychology Licensing Act," P.L.1966, c. 282 (C. 45:14B-1 et seq.); the practice of chiropractic by a person not licensed to do so pursuant to the "Chiropractic Board Act," P.L.1989, c. 153 (C. 45:9-41.17 et al.); the practice of nursing by a person not licensed to do so pursuant to the provisions of P.L.1947, c. 262 (C. 45:11-23 et seq.); or the practice of physical therapy by a person not licensed to do so pursuant to the "Physical Therapist Licensing Act of 1983," P.L.1983, c. 296 (C. 45:9-37.11 et seq.) except the practice of occupational therapy as defined in section 3 of this act.

L.1993, c. 85, § 24, eff. March 18, 1993.

45:9-37.75. Rules and regulations

The director, in consultation with the council, shall adopt, amend or repeal regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes of this act.

L.1993, c. 85, § 25, eff. March 18, 1993.

OCCUPATIONAL THERAPY ADVISORY COUNCIL

RULES AND REGULATIONS

N.J.A.C. 13:44K-1 et seq.

CHAPTER 44K

OCCUPATIONAL THERAPY ADVISORY COUNCIL

Authority

N.J.S.A. 45:9-37.51 et seq., and 45:1-15.

Source and Effective Date

R.2003 d.428, effective October 3, 2003.
See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

Chapter Expiration Date

Chapter 44K, Occupational Therapy Advisory Council, expires on October 3, 2008.

Chapter Historical Note

Chapter 44K, Occupational Therapy Advisory Council, was adopted as R.1998 d.203, effective April 20, 1998; See: 29 N.J.R. 4657(a), 30 N.J.R. 1419(a).

Chapter 44K, Occupational Therapy Advisory Council, was readopted as R.2003 d.428, effective October 3, 2003. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:44K-1.1 Purpose and scope
- 13:44K-1.2 Definitions

SUBCHAPTER 2. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: ELIGIBILITY REQUIREMENTS

- 13:44K-2.1 Eligibility requirements; occupational therapist; occupational therapy assistant

SUBCHAPTER 3. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: LICENSING PROCEDURE

- 13:44K-3.1 Licensing procedure: occupational therapist
- 13:44K-3.2 Licensing procedure: occupational therapy assistant

SUBCHAPTER 4. TEMPORARY LICENSES

- 13:44K-4.1 Temporary license
- 13:44K-4.2 Expiration of temporary license; renewal of temporary license

SUBCHAPTER 5. SCOPE OF PRACTICE

- 13:44K-5.1 Scope of practice of a licensed occupational therapist
- 13:44K-5.2 Scope of practice of a licensed occupational therapy assistant
- 13:44K-5.3 Delegation of occupational therapy services

SUBCHAPTER 6. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS

- 13:44K-6.1 Supervision requirement: occupational therapy assistant
- 13:44K-6.2 Responsibilities of designated supervisor
- 13:44K-6.3 Responsibilities of an occupational therapy assistant
- 13:44K-6.4 Delegation of supervision responsibilities

SUBCHAPTER 7. SUPERVISION OF TEMPORARY LICENSED OCCUPATIONAL THERAPIST AND TEMPORARY LICENSED OCCUPATIONAL THERAPY ASSISTANT

- 13:44K-7.1 Supervision requirement: temporary licensed occupational therapist and temporary licensed occupational therapy assistant
- 13:44K-7.2 Responsibilities of designated supervisor
- 13:44K-7.3 Responsibilities of a temporary licensed occupational therapist or a temporary licensed occupational therapy assistant

SUBCHAPTER 8. GENERAL OBLIGATIONS OF LICENSEES

- 13:44K-8.1 Notification of change of address; service of process
- 13:44K-8.2 Notification of change of name or practice name
- 13:44K-8.3 Unlicensed practice of occupational therapy
- 13:44K-8.4 Aiding and abetting unlicensed practice
- 13:44K-8.5 Sexual misconduct

SUBCHAPTER 9. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

- 13:44K-9.1 Display of notice of licensure; duplicate license; notification of availability of fee information
- 13:44K-9.2 Financial arrangements with clients and third party payors
- 13:44K-9.3 Professional interactions with clients
- 13:44K-9.4 Prohibition on excessive fees
- 13:44K-9.5 Termination of services

SUBCHAPTER 10. CLIENT RECORDS

- 13:44K-10.1 Preparation and maintenance of client records
- 13:44K-10.2 Use of computer to prepare client records
- 13:44K-10.3 Release of client records

SUBCHAPTER 11. FEES

- 13:44K-11.1 Fee schedule

SUBCHAPTER 1. GENERAL PROVISIONS

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.261, effective August 5, 2002.
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

13:44K-1.1 Purpose and scope

(a) The rules in this chapter implement the provisions of the Occupational Therapy Licensing Act (the Act), N.J.S.A. 45:9-37.51 et seq., and regulate the practice of occupational therapy within the State of New Jersey.

(b) Except as set forth in (c) below, this chapter shall apply to all applicants for licensure as an occupational therapist or occupational therapy assistant and licensees who offer or practice occupational therapy in the State of New Jersey.

(c) This chapter shall not apply to those individuals exempt from the licensure requirements of the Act pursuant to N.J.S.A. 45:9-37.60.

13:44K-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Occupational Therapy Licensing Act codified at N.J.S.A. 45:9-37.51 et seq.

"Client" means a person, group of persons or a system, that are the recipients of professional services rendered by a licensed occupational therapist, a licensed occupational therapy assistant or a temporary licensed occupational therapist or assistant in medical, health, educational, vocational or social settings.

"Consultative services" means the provision of expert or professional advice to a client or other interested party with regard to therapeutic activities or approaches which may be utilized in order to improve the occupational performance of a client.

"Council" means the Occupational Therapy Advisory Council established pursuant to N.J.S.A. 45:9-37.54.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Direct services" means occupational therapy techniques that are individually designed and that are provided by an occupational therapist, an occupational therapy assistant or a temporary licensed occupational therapist or assistant to a client in order to improve the occupational performance of the client.

"Indirect services" means occupational therapy techniques that are individually designed, but which do not require direct interaction with the client, for the purpose of directing or advising others in therapeutic activities or approaches which may be used in order to improve the occupational performance of the client.

"Licensee" means any individual holding a license issued by the Council.

"Occupational performance" means the performance of life skills, roles and functions, including work, recreation and leisure skills and the activities of daily living that are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities.

"Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of the Act and this chapter.

"Occupational therapy" means the evaluation, planning and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximum physical and/or mental functioning of the client for optimum occupational performance.

"Occupational therapy assistant" means a person licensed pursuant to the provisions of the Act and this chapter to assist in the practice of occupational therapy under the supervision of an occupational therapist on a regularly scheduled basis for the purpose of planning, review or evaluation of occupational therapy services.

"Occupational therapy services" means the use of specific techniques which enhance the functional performance of a client, including the evaluation and assessment of a client's self care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational and prevocational capacities. Occupational therapy services also includes the design, fabrication and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the utilization of physical agent modalities, the administration of standardized and non-standardized assessments and consultation, including recommendations for the adaptation of physical environments.

"Program" means a procedure for solving a problem, including the collection of data, the processing and presentation of test results and the recommended use of purposeful activities, in order to achieve optimal occupational performance.

"Purposeful activities" means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for or prevent dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological and social elements that produce positive adaptation and motivational behavior.

"Short term goals" means occupational therapy goals established for no longer than one year.

"Supervision" means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant, a temporary licensed occupational therapist, a temporary licensed occupational therapy assistant, or an occupational therapy student fulfilling the required fieldwork component of his or her educational training, for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan.

"Task oriented activities" means purposeful activities having an explicit, observable and measurable short-term goal which contributes to the well-being of clients.

SUBCHAPTER 2. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: ELIGIBILITY REQUIREMENTS

13:44K-2.1 Eligibility requirements; occupational therapist; occupational therapy assistant

(a) To be eligible for licensure as an occupational therapist, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Have successfully completed:
 - i. A bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor; or
 - ii. A bachelor's degree or its equivalent in any field other than occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor and have fulfilled the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency;
4. Have successfully completed at least 24 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)3i and ii above; and

5. Have successfully completed the certification examination administered by the National Board for Certification in Occupational Therapy (NBCOT), or its predecessors.

(b) To be eligible for licensure as an occupational therapy assistant, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Have successfully completed:
 - i. An associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor; or
 - ii. An associate's degree or its equivalent in any field other than occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor and have fulfilled the academic requirements of an educational program for occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Edu-

cation, the World Federation of Occupational Therapy, or other nationally recognized agency;

4. Have successfully completed at least 12 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy education program as evidenced in accordance with (b)3i and ii above; and

5. Have successfully completed the certification examination administered by the National Board for Certification in Occupational Therapy (NBCOT), or its predecessors.

Amended by R.2002 d.275, effective August 19, 2002.

See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).

Rewrote the section.

SUBCHAPTER 3. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: LICENSING PROCEDURE

13:44K-3.1 Licensing procedure: occupational therapist

(a) An applicant for licensure as an occupational therapist shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received a bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

ii. If the applicant has received a bachelor's degree or its equivalent in any field other than occupational therapy, documentation of the applicant's education, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may

apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

iii. Documentation which indicates that the applicant has successfully completed at least 24 weeks of supervised fieldwork experience, with a minimum of 720 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)1i or ii above, which shall be submitted to the Council directly by the educational institution. The applicant shall have completed the 24 weeks of supervised fieldwork experience within 24 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. For applicants who have taken the certification examination prior to January 1, 2003, a "Verification of Certification" letter from the National Board for Certification in Occupational Therapy (NBCOT) indicating that the candidate has successfully completed the certification examination for occupational therapists;

v. For applicants who have taken the certification examination on or after January 1, 2003, a score transfer from NBCOT indicating that the candidate has successfully completed the certification examination for occupational therapists;

vi. Two completed "Certificates of Good Moral Character";

vii. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council directly by the state in which the license is or was held; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. A two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.

See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).

Rewrote the section.

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (a)1iv, substituted "For applicants who have taken the certification examination prior to January 1, 2003, a" for "A" preceding "Verification of Certification"; in (a)1, added new v and recodified former v-vii as vi-viii.

13:44K-3.2 Licensing procedure: occupational therapy assistant

(a) An applicant for licensure as an occupational therapy assistant shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received an associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

ii. If the applicant has received an associate's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program for occupational therapy assistants accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

iii. Documentation which indicates that applicant has successfully completed at least 12 weeks of supervised fieldwork experience, with a minimum of 360 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)1ii above, which shall be forwarded to the Council directly by the educational institution. The applicant shall have completed the 12 weeks of supervised fieldwork experience within 12 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. For applicants who have taken the certification examination prior to January 1, 2003, a "Verification of Certification" letter from the National Board for Certification in Occupational Therapy (NBCOT) indicating that the applicant has successfully completed the certification examination for occupational therapy assistants;

v. For applicants who have taken the certification examination on or after January 1, 2003, a score transfer from NBCOT indicating that the candidate has successfully completed the certification examination for occupational therapy assistants;

vi. Two completed "Certificates of Good Moral Character";

vii. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapy assistant which shall be forwarded to the Council directly by the state in which the license is or was held;

viii. A "Verification of Supervision" form from all current employers if the applicant is currently employed. If the applicant is not currently employed, a "Verification of Supervision" form from all employers shall be submitted to the Council before employment commences; and

ix. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.

See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).

Rewrote the section.

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (a)iv, substituted "For applicants who have taken the certification examination prior to January 1, 2003, a" for "A" preceding "Verification of Certification"; in (a)1, recodified former v-viii as vi-ix.

(c) An applicant for temporary licensure as an occupational therapist shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received a bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements for the academic degree have been completed;

ii. If the applicant has received a bachelor's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

iii. Documentation which indicates that the applicant has successfully completed at least 24 weeks of supervised fieldwork experience, with a minimum of 720 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (b)1i or ii above, which shall be submitted to the Council directly by the educational institution. The applicant shall have completed the 24 weeks of supervised fieldwork experience within 24 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Confirmation of Examination Registration and Eligibility to Examine Notice," sent to the Council directly by the National Board for Certification in Occupational Therapy (NBCOT) indicating that the applicant is eligible to sit for his or her initial examination for licensure;

SUBCHAPTER 4. TEMPORARY LICENSES

13:44K-4.1 Temporary license

(a) A temporary license shall be available to an applicant for examination as an occupational therapist or occupational therapy assistant with his or her initial application for examination. The holder of a temporary license may practice only under the direct supervision of a licensed occupational therapist.

(b) A temporary license shall be available to an applicant for permanent licensure as an occupational therapist or an occupational therapy assistant who has completed all academic and administrative requirements for a degree or certificate in occupational therapy but has not had the degree or certificate conferred by the university or college, provided that the applicant satisfies the requirements of (c) or (d) below.

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council by the state in which the license is or was held;

vii. A "Verification of Supervision" form from all current employers; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

(d) An applicant for temporary licensure as an occupational therapy assistant shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received an associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

ii. If the applicant has received an associate's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

iii. Documentation which indicates that the applicant has successfully completed at least 12 weeks of supervised fieldwork experience, with a minimum of 360 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (c)1ii above, which shall be forwarded to the Council directly by the educational institution. The applicant shall have completed the 12 weeks of supervised fieldwork experience within 12 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Confirmation of Examination Registration and Eligibility to Examine Notice," sent to the Council directly by the National Board for Certification in Occupational Therapy (NBCOT) indicating that the candidate is eligible to sit for his or her initial examination for licensure;

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council by the state in which the license is or was held;

vii. A "Verification of Supervision" form from all current employers; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.

See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).

Rewrote the section.

13:44K-4.2 Expiration of temporary license; renewal of temporary license

(a) A temporary license holder shall take the licensure examination within 90 days of the date of issuance of his or her temporary license. Failure to take the examination within 90 days shall constitute a failure of the examination and the temporary license shall automatically expire. A temporary license holder may, however, apply to the Council for renewal of the temporary license as provided in (c) below. A temporary license holder shall take the licensure examination within 180 days of the date of issuance of the renewal.

(b) A temporary license shall expire automatically upon the temporary license holder being notified of failure of the licensure examination. Upon notification of failure of the initial examination, a temporary license holder may apply to the Council for renewal of the temporary license as provided in (c) below.

(c) A temporary license shall be renewable one time only. A temporary license holder seeking renewal of a temporary license shall submit a written request for renewal to the Council certifying that he or she has requested a "Confirmation of Examination Registration and Eligibility to Examine Notice" from the National Board for Certification in Occupational Therapy (NBCOT) which shall be sent directly to the Council from NBCOT. The temporary license holder shall also submit the renewal fee set forth in N.J.A.C. 13:44K-11.1.

(d) A temporary license which has been renewed pursuant to (c) above shall automatically expire upon notification to the temporary license holder from NBCOT that he or she has failed the licensure examination for the second time or upon the temporary license holder's failure to take the licensure examination for the second time within 180 days of the date of issuance of the renewal. The temporary license holder shall immediately cease practice and surrender the temporary license to the Council upon such notification or upon expiration of the 180 days.

(e) A temporary license shall expire within 180 days of the temporary license holder's receipt of notification from NBCOT that he or she has passed the licensure examination. The temporary license holder shall cease practicing under the temporary license no later than 180 days after receiving the NBCOT notification. The temporary license holder shall submit all documentation required for permanent licensure as provided in N.J.A.C. 13:44K-2.1, and shall surrender the temporary license to the Council within 180 days of NBCOT notification.

(f) A temporary license issued pursuant to N.J.A.C. 13:44K-4.1(b) to an applicant for a permanent license who has completed the academic and administrative requirements necessary for an occupational therapy degree or certificate, but who has not had the degree or certificate conferred, shall be valid for 180 days from the date of issuance. The temporary license holder shall cease practicing under the temporary license no later than 180 days after the date the license is issued. The temporary license holder shall submit an official transcript of his or her education to complete his or her permanent licensure application, as provided in N.J.A.C. 13:44K-2.1, and shall surrender the temporary license to the Council within 180 days of the date of issuance.

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

Rewrote the section.

SUBCHAPTER 5. SCOPE OF PRACTICE

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.261, effective August 5, 2002.

See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

13:44K-5.1 Scope of practice of a licensed occupational therapist

(a) The scope of practice of a licensed occupational therapist shall include:

1. The provision of direct, indirect and/or consultative services to a client affected by physical, psycho-social, cognitive, congenital and/or developmental disorders or the aging process, to improve and/or prevent loss of physical or mental functioning and to promote wellness;

2. The administration of standardized and/or non-standardized assessments and/or the observation of a client and the environment to identify areas of functional abilities or deficits. Areas which may be assessed shall include the performance of activities of daily living, including recreation, leisure or work related skills which are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities;

3. The interpretation of the results of the assessment process described in (a)2 above, to determine the need for an intervention plan for the client. Such a plan shall be developed and administered by the occupational therapist in collaboration with the client, the client's family and related medical, health, educational or social agencies or professionals;

4. The development and utilization of, and education and training in, purposeful, task-oriented activities for the client to improve, restore and/or maintain optimal performance of life skills, roles and functions including work, recreation, leisure skills and activities of daily living;

5. The design, fabrication, application and/or selection of adaptive equipment, prosthetics and/or orthotic devices, except dental devices;

6. Consultation concerning the adaptation of physical environments; and

7. The utilization of physical modalities, as an adjunct to, or in preparation for, purposeful activities to enhance occupational performance with which the licensee is familiar as a result of training and experience.

13:44K-5.2 Scope of practice of a licensed occupational therapy assistant

(a) The scope of practice of a licensed occupational therapy assistant, working under the supervision of a licensed occupational therapist as provided in N.J.A.C. 13:44K-6.1, shall include:

1. The provision of direct, indirect and/or consultative services to a client affected by physical, psycho-social, cognitive, congenital and/or developmental disorders or the aging process, to improve and/or prevent loss of physical or mental functioning and to promote wellness;

2. The administration of standardized and/or non-standardized assessments and/or the observation of a client and the environment to assist in the identification of functional abilities or deficits. Areas which may be assessed shall include the performance of activities of daily living, including recreation, leisure or work related skills which are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities;

3. Assisting in the development and implementation of an intervention plan for the client;

4. The development and utilization of, and education and training in, purposeful, task-oriented activities for the client to improve, restore and/or maintain optimal performance of life skills, roles and functions including work, recreation, leisure skills and the activities of daily living;

5. The design, fabrication, application and/or selection of adaptive equipment, prosthetics and/or orthotic devices, except dental devices;

6. Consultation concerning the adaptation of physical environments; and

7. The utilization of physical modalities, as an adjunct to, or in preparation for, purposeful activity to enhance occupational performance with which the licensee is familiar as a result of training and experience.

13:44K-5.3 Delegation of occupational therapy services

(a) A licensed occupational therapist may delegate selected occupational therapy services within his or her lawful scope of practice to licensed occupational therapy assistants, temporary licensed occupational therapists, temporary licensed occupational therapy assistants and to occupational therapy students fulfilling the required fieldwork component of their educational training.

(b) In delegating selected occupational therapy services, the licensed occupational therapist shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made. A licensed occupational therapist shall not delegate the performance of an occupational therapy service to persons who have not been adequately prepared by verified training and education. No task may be delegated which is within the scope of practice of the occupational therapist and requires:

1. The substantial knowledge and skill derived from completion of an occupational therapy education program and the specialized skill, judgment and knowledge of a licensed occupational therapist; and

2. An understanding of occupational therapy principles necessary to recognize and manage complications which may result in harm to the health and safety of the client.

(c) The licensed occupational therapist shall be responsible for the proper supervision of persons to whom delegation of occupational therapy services is made. Such supervision shall be either close, routine or general supervision. For purposes of this subsection, "close supervision" means daily, face to face contact with and frequent observation of the performance of the occupational therapy assistant at the location where his or her services are being rendered; "routine supervision" means face to face contact with and observation of the performance of the occupational therapy assistant at least once a week at the location where his or her services are being rendered; and "general supervision" means face to face contact with and observation of the performance of the occupational therapy assistant at least once every two weeks at the location where his or her services are being rendered. The degree of supervision exercised over such persons shall be determined by the licensed occupational therapist consistent with the requirements set forth in N.J.A.C. 13:44K-6.2 and based on an evaluation of:

1. The condition of the client;
2. The education, skill and training of the person to whom delegation is being made; and
3. The nature of the tasks and the activities being delegated.

(d) When occupational therapy services are delegated pursuant to the provisions of (a), (b) and (c) above, the supervising occupational therapist shall retain responsibility for all occupational therapy care of the client.

SUBCHAPTER 6. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.261, effective August 5, 2002.
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

13:44K-6.1 Supervision requirement: occupational therapy assistant

(a) A licensed occupational therapy assistant shall work only under the supervision of a licensed occupational therapist on a regularly scheduled basis pursuant to the provisions of this subchapter.

(b) The supervising occupational therapist shall retain responsibility for the occupational therapy care of the client being treated by the occupational therapy assistant.

(c) In the event of a change of the supervising occupational therapist, the subsequent supervisor shall assume responsibility for the ongoing supervision of any occupational therapy assistant(s) providing care to a client and shall become the designated supervisor.

13:44K-6.2 Responsibilities of designated supervisor

(a) An occupational therapist shall not supervise more than five licensees, including occupational therapy assistants, temporary licensed occupational therapists or temporary licensed occupational therapy assistants.

(b) An occupational therapist may supervise five occupational therapy students who are fulfilling the required field-work component of their educational training.

(c) Notwithstanding the provisions of (a) and (b) above, a licensed occupational therapist shall not supervise more than seven persons at one time.

(d) A designated supervisor shall be responsible for the close, routine or general supervision of an occupational therapy assistant, as defined in this section. For purposes of this section, "close supervision" means daily, face to face contact with and frequent observation of the performance of the occupational therapy assistant at the location where his or her services are being rendered; "routine supervision" means face to face contact with and observation of the performance of the occupational therapy assistant at least once a week at the location where his or her services are being rendered; and "general supervision" means face to face contact with and observation of the performance of the occupational therapy assistant at least once every two weeks at the location where his or her services are being rendered.

(e) A designated supervisor shall determine the level of supervision required of each occupational therapy assistant consistent with the condition of the client, the education, skill and training of the occupational therapy assistant and the nature of the tasks and activities to be performed by the occupational therapy assistant; provided, however, that a designated supervisor shall provide close supervision for any occupational therapy assistant who:

1. Has been engaged in the practice of occupational therapy for less than one year on a full-time basis; or
2. Has less than one year of full-time work experience in a practice area.

(f) When providing routine or general supervision of an occupational therapy assistant, a designated supervisor may also provide interim supervision of the occupational therapy assistant through telephonic or written communications, including reports and/or conferences, between the supervisor and the occupational therapy assistant.

(g) Notwithstanding the provisions of (a) through (d) above, an occupational therapist who has less than 1,200 hours of work experience obtained over a two year period shall not supervise any persons engaged in the practice of occupational therapy services.

(h) A designated supervisor shall maintain a written plan of supervision which shall include evidence of the ongoing supervision of each occupational therapy assistant for whom the supervisor is responsible.

(i) A designated supervisor who is unavailable to provide occupational therapy assistants with either routine or general supervision as required in (d) through (f) above, for two or more contact periods, shall arrange for substitute supervision by a licensed occupational therapist, who shall follow the established plan of supervision.

(j) A designated supervisor who is unable to provide occupational therapy assistants with close supervision as required in (e) above, for more than one day, shall arrange for substitute supervision by a licensed occupational therapist, who shall follow the established plan of supervision.

13:44K-6.3 Responsibilities of an occupational therapy assistant

(a) An occupational therapy assistant shall not render nor continue to render client care unless he or she has obtained ongoing direction from his or her designated supervisor.

(b) An occupational therapy assistant shall be responsible for clients within the limits of his or her scope of practice pursuant to N.J.A.C. 13:44K-5.2.

(c) An occupational therapy assistant shall maintain a record of supervision which shall include the name and license number of his or her designated supervisor, the date when the occupational therapy assistant received supervision and the type of supervision that was provided.

13:44K-6.4 Delegation of supervision responsibilities

(a) A designated supervisor providing close supervision of an occupational therapy assistant, a temporary licensed occupational therapy assistant or an occupational therapy student, may delegate his or her supervisory responsibility for the daily, face to face contact with and frequent observation of the performance of the occupational therapy assistant, the temporary licensed occupational therapy assistant or the occupational therapy student, to an occupational therapy assistant who, in the professional judgment of the supervising occupational therapist, has been adequately prepared by verified training and education in the provision of occupational therapy services consistent with the requirements set forth at N.J.A.C. 13:44K-2.1.

(b) Notwithstanding the provisions of (a) above, no designated supervisor shall delegate his or her responsibilities for close supervision of an occupational therapy assistant to an occupational therapy assistant who has less than 3,600 hours of work experience obtained within a five year period in the particular practice area in which services are being provided.

(c) A licensed occupational therapy assistant who has been delegated supervision responsibilities pursuant to (a) and (b) above, shall not supervise more than three persons at one time.

(d) Notwithstanding the provisions of (a), (b) and (c) above, a licensed occupational therapist shall not supervise more than seven persons at one time, pursuant to the provisions of N.J.A.C. 13:44K-6.2.

(e) When supervision of an occupational therapy assistant, a temporary licensed occupational therapy assistant or an occupational therapy student is delegated pursuant to the provisions of (a), (b), (c) and (d) above, the supervising occupational therapist shall retain responsibility for all occupational therapy care of the client.

SUBCHAPTER 7. SUPERVISION OF TEMPORARY LICENSED OCCUPATIONAL THERAPIST AND TEMPORARY LICENSED OCCUPATIONAL THERAPY ASSISTANT

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.261, effective August 5, 2002.
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

13:44K-7.1 Supervision requirement: temporary licensed occupational therapist and temporary licensed occupational therapy assistant

(a) A temporary licensed occupational therapist or a temporary licensed occupational therapy assistant shall work only under the supervision of a licensed occupational therapist or licensed occupational therapy assistant pursuant to the provisions of this subchapter.

(b) The supervising occupational therapist shall be responsible for the occupational therapy care of the client being treated by a temporary licensed occupational therapist or a temporary licensed occupational therapy assistant.

(c) In the event of a change of the supervising occupational therapist, the subsequent supervisor shall assume responsibility for the ongoing supervision of any temporary licensed occupational therapist(s) or occupational therapy assistant(s) providing care to the client and shall become the designated supervisor.

13:44K-7.2 Responsibilities of designated supervisor

(a) An occupational therapist shall not supervise more than five persons, including occupational therapy assistants, temporary licensed occupational therapists or temporary licensed occupational therapy assistants.

(b) A licensed occupational therapist may supervise five occupational therapy students who are fulfilling the required fieldwork component of their educational training.

(c) Notwithstanding the provisions of (a) and (b) above, a licensed occupational therapist shall not supervise more than seven persons at one time.

(d) A designated supervisor shall be responsible for the close supervision of a temporary licensed occupational therapist or temporary licensed occupational therapy assistant. For purposes of this subsection, "close supervision" means daily, face to face contact with and frequent observation of the performance of a temporary licensee at the location where his or her services are being rendered.

(e) A designated supervisor shall maintain a plan of supervision which shall include evidence of the ongoing supervision of each temporary licensee for whom the supervisor is responsible.

(f) A designated supervisor who is unavailable to provide licensees with supervision as required by (a) through (e) above, for more than one day, shall arrange for substitute supervision by a licensed occupational therapist, who shall follow the established plan of supervision.

13:44K-7.3 Responsibilities of a temporary licensed occupational therapist or a temporary licensed occupational therapy assistant

(a) A temporary licensed occupational therapist or a temporary licensed occupational therapy assistant shall not render nor continue to render care unless he or she has obtained ongoing direction from his or her designated supervisor.

(b) A temporary licensed occupational therapist shall be responsible for client care within the limits of his or her scope of practice pursuant to N.J.A.C. 13:44K-5.1. A temporary licensed occupational therapy assistant shall be responsible for care within the limits of his or her scope of practice pursuant to N.J.A.C. 13:44K-5.2.

(c) A temporary licensed occupational therapist or a temporary licensed occupational therapy assistant shall maintain a record of supervision which shall include the name and license number of his or her designated supervisor, the date when the temporary licensee received supervision and the type of supervision that was provided.

Amended by R.2003 d.428, effective November 3, 2003.
See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (c), substituted "therapist" for "therapy assistant".

SUBCHAPTER 8. GENERAL OBLIGATIONS OF LICENSEES**Authority**

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.261, effective August 5, 2002.

See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

13:44K-8.1 Notification of change of address; service of process

(a) A licensee shall notify the Council, within 30 days, of any change in address on file with the Council and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Attorney General, the Director or the Council at the address on file with the Council shall be deemed adequate notice for the commencement of an inquiry or disciplinary proceeding.

(c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report to the Council in writing his or her receipt of such notification.

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (a), deleted "by certified mail, return receipt request," preceding "and shall specify".

13:44K-8.2 Notification of change of name or practice name

(a) A licensee whose name has been legally changed shall forward to the Council by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof that he or she is the same person to whom the Council issued the license.

(b) Upon receipt of the items set forth in (a) above and upon payment of the fees specified in N.J.A.C. 13:44K-11.1(a)12 and 13, the Council shall issue to the individual a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Council.

(d) A licensee shall notify the Council by certified mail, return receipt requested, within 30 days, of any change in a professional practice name on file with the Council.

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (b), amended N.J.A.C. references.

13:44K-8.3 Unlicensed practice of occupational therapy

(a) The following acts or practices shall be deemed to be the unlicensed practice of occupational therapy:

1. Offering or rendering occupational therapy services by any person other than a licensed occupational therapist, a licensed occupational therapy assistant or a person who is exempt from licensure under the Occupational Therapy Licensing Act, pursuant to N.J.S.A. 45:9-37.60;
2. The use by any person other than a licensed occupational therapist or a licensed occupational therapy assistant of:
 - i. Any title or designation which includes the words occupational therapist or occupational therapy assistant which may mislead the public; or
 - ii. The abbreviations O.T. or O.T.A., or any similar abbreviations.

(b) A licensee shall use only the title or designation corresponding to his or her license.

13:44K-8.4 Aiding and abetting unlicensed practice

It shall be professional misconduct for a licensee to aid or assist any person engaging in conduct that violates N.J.A.C. 13:44K-8.3 and shall constitute a deviation from the normal standards of practice required of a license, which may subject the licensee to the penalties of N.J.S.A. 45:1-21.

13:44K-8.5 Sexual misconduct

(a) As used in this section, the following terms have the following meanings unless the context clearly indicates otherwise:

"Client" means any person who is the recipient of occupational therapy evaluation, instruction or treatment rendered by a licensee.

"Client-therapist relationship" means a relationship between an occupational therapist, occupational therapy assistant, or temporarily licensed occupational therapist or occupational therapy assistant, and the client wherein the licensee owes a continuing duty to the client to render occupational therapy services consistent with his or her training and experience.

"Licensee" means any person licensed to engage in practice as an occupational therapist, occupational therapy assistant or temporarily licensed occupational therapist or occupational therapy assistant by the Occupational Therapy Advisory Council.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized occupational therapy procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of occupational therapy services, and that either: is unwelcome, is offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee. "Sexual harassment" may also include conduct of a nonsexual nature if it is based on the sex of an individual.

"Spouse" means the husband, wife or fiancée of the licensee or an individual involved in a long-term committed relationship with the licensee. For purposes of the definition of "spouse," a long-term committed relationship means a relationship which is at least six months in duration.

(b) A licensee shall not engage in sexual contact with a client with whom he or she has a client-therapist relationship. The client-therapist relationship is ongoing for purposes of this section, unless:

1. Occupational therapy is terminated by way of written notice to the client and is documented in the client record; or
2. The last occupational therapy was rendered more than six months ago.

(c) In circumstances where the client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.

(d) A licensee shall not seek or solicit sexual contact with a client with whom he or she has a client-therapist relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is directly related to a proper occupational therapy purpose. Such discussion shall not include disclosure by the licensee of his or her own sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the client. Appropriate draping measures shall be employed to protect client privacy.

(g) A licensee shall not engage in sexual harassment either within or outside of the professional setting.

(h) A licensee shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal, or sexual gratification of the licensee or client or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering occupational therapy to a spouse, providing that the rendering of such occupational therapy is consistent with accepted standards of occupational therapy and that the performance of occupational therapy is not utilized to exploit the client spouse for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the licensee; or
2. The licensee is in love with or held affection for the client.

New Rule, R.2003 d.428, effective November 3, 2003.
See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

SUBCHAPTER 9. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.257, effective August 5, 2002.
See: 33 N.J.R. 2417(a), 34 N.J.R. 2859(a).

13:44K-9.1 Display of notice of licensure; duplicate license; notification of availability of fee information

(a) All licensed occupational therapists and occupational therapy assistants shall make their licenses available to clients upon request. Duplicate licenses may be obtained upon payment of the fees provided in N.J.A.C. 13:44K-11.1(a)12 and 13.

(b) All licensed occupational therapists and occupational therapy assistants shall ensure that the following notices are prominently displayed in a public area in any office or facility at which the licensee practices occupational therapy services:

1. "Occupational therapists and occupational therapy assistants are licensed by the Occupational Therapy Advisory Council, an agency of the Division of Consumer Affairs. Any member of the public may notify the Council of any complaint relative to the practice conducted by an occupational therapist or an occupational therapy assistant. The Council address is: Division of Consumer Affairs, Occupational Therapy Advisory Council, PO Box 45037, 124 Halsey Street, Newark, New Jersey 07101."

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU UPON REQUEST."

(c) A licensee shall not alter or obscure any information on the biennial license in any manner.

Amended by R.2003 d.428, effective November 3, 2003.
See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).
In (a), amended N.J.A.C. references.

13:44K-9.2 Financial arrangements with clients and third party payors

(a) Fees for occupational therapy services shall be reasonable and commensurate with the status and experience of the occupational therapist offering like services or treatment in the geographic area and shall be consistent with the provisions of N.J.A.C. 13:44K-9.4 prohibiting excessive fees.

(b) Prior to the initiation of occupational therapy services, the occupational therapist or his or her designee shall explain to the client in an understandable manner the financial arrangements for the services that will be provided. The information provided to the client shall include the following:

1. The fee for services or the basis for determining the fee to be charged;
2. Whether the licensee will accept installment payments or assignment of benefits from a third party payor;
3. That insurance coverage may not be available in all circumstances; and
4. The financial consequences, if any, of missed sessions.

(c) An occupational therapist shall not require a client or a third party payor to pay:

1. A fee for preparing an insurance claim form;
2. Interest on an unpaid account unless the client has been notified of this policy, in writing, prior to the initiation of occupational therapy services;

3. A full or partial fee for unkept appointments unless the client has been notified of this policy, in writing, prior to the initiation of occupational therapy services; or

4. A fee for any occupational therapy service not documented in a client record in a manner consistent with N.J.A.C. 13:44K-10.1.

(d) An occupational therapist shall prepare and maintain a written list of current fees for standard services and, upon request, shall provide the list to clients. The list shall include the following information:

1. Whether Medicaid clients are accepted;
2. Whether Medicare clients are accepted;
3. Whether other third party payor plans are accepted;
4. Whether insurance payments (excluding deductible and copay) are accepted as payment in full; and
5. Whether special fee categories are available, such as for senior citizens or for members of designated groups, such as preferred provider plan members.

(e) An occupational therapist shall provide a copy of a written fee schedule to any interested person upon request.

(f) An occupational therapist who is directly billing the client or third party payor for his or her services shall include on all bills submitted to a client or third party payor the occupational therapist's current license number.

13:44K-9.3 Professional interactions with clients

(a) An occupational therapist or occupational therapy assistant shall advise the client or the client's legal guardian, in terms the client or the guardian can understand, of the nature and purpose of the services to be rendered and the limits and obligations associated with such services.

(b) An occupational therapist or occupational therapy assistant shall not provide occupational therapy services while under the influence of alcohol or any mind altering drug that impairs the delivery of services.

13:44K-9.4 Prohibition on excessive fees

(a) An occupational therapist shall not charge an excessive fee for services. Factors which the Council may consider in determining whether a fee is excessive include the following:

1. The time or effort required to perform the services;
2. The skill required to properly perform the services;
3. The nature and length of the professional relationship with the client;
4. The experience, reputation and ability of the licensee performing the services;
5. The nature and circumstances under which services are provided; and
6. Whether the fee is set by a medical, health, educational or social agency.

13:44K-9.5 Termination of services

(a) A licensed occupational therapist shall terminate services to a client when the client has achieved the predetermined goals established in the plan of care or when such services no longer meet the client's needs or interests.

(b) A licensed occupational therapist who is unable to provide continued professional services to a client shall terminate such services to the client and shall promptly notify the client of the termination only after making reasonable efforts to assist the client in obtaining such services from another licensee qualified to meet the needs or interests of the client.

SUBCHAPTER 10. CLIENT RECORDS

Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

Source and Effective Date

R.2002 d.257, effective August 5, 2002.
See: 33 N.J.R. 2417(a), 34 N.J.R. 2859(a).

13:44K-10.1 Preparation and maintenance of client records

(a) An occupational therapist, or a licensed occupational therapy assistant acting under the supervision of a licensed occupational therapist, shall prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client's contact with the occupational therapist or the occupational therapy assistant, whether in an office, hospital or other treatment, evaluation or consultative setting.

(b) An occupational therapist, or an occupational therapy assistant, acting under the supervision of an occupational therapist, shall include at least the following information in the client record:

1. The full name, as it appears on the license, of the licensee who rendered care, identification of licensure status as either an occupational therapist or occupational therapy assistant, license number and designated supervisor, if applicable. This information shall be legible and shall appear at least once on each page of the client record;
2. The client's name, address and telephone number. The client's name shall appear on each page of the record;
3. The location and dates of all treatments, evaluations or consultations;
4. Findings upon initial evaluation, including the client's relevant history and results of appropriate tests and examinations conducted;

5. A plan of care establishing measurable goals of the treatment program, including the type of treatment to be rendered and the frequency and expected duration of the treatment;

6. Progress notes for each day of treatment. Progress notes shall include, at a minimum, the date the client received treatment, a description of the treatment rendered, the name of the licensee or other person rendering treatment, and notations of the client's status regardless of whether significant changes have occurred since the last date of treatment.

i. An occupational therapist may dictate progress or session notes for later transcription provided the transcription is dated and identified as preliminary pending the occupational therapist's final review and approval; and

ii. All progress notes that are created by a licensed occupational therapy assistant, temporary licensed occupational therapist, temporary licensed occupational therapy assistant or an occupational therapy student fulfilling the required fieldwork component of his or her educational training, consistent with the provisions of N.J.A.C. 13:44K-5.3, shall be countersigned by the supervising occupational therapist, notwithstanding the delegation of supervision responsibilities to a licensed occupational therapy assistant pursuant to N.J.A.C. 13:44K-6.4;

7. Periodic reassessment of the client's status consistent with the goals set forth in the treatment plan;

8. Information regarding referrals to other professionals and any reports and records provided by other professionals;

9. A discharge summary which includes the reason for discharge from and outcome of occupational therapy services relevant to established goals at the time of discharge; and

10. Fees charged by the occupational therapist and paid by the client, unless a separate financial record is kept.

(c) A licensed occupational therapist shall periodically review and update the client's plan of care.

(d) The permanent client record of occupational therapy services shall be retained for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a client who is a minor at the time of the last date of treatment, the licensee shall retain the record until the minor reaches the age of 25.

(e) A licensed occupational therapist, or a licensed occupational therapy assistant acting under the direction of a licensed occupational therapist, shall comply with the provisions of this section notwithstanding an employer's record-keeping requirements.

13:44K-10.2 Use of computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;

2. Automatically prepares a back-up copy of the file; and

3. Is designed in such manner that, after the occupational therapist or occupational therapy assistant "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) An occupational therapist or occupational therapy assistant shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(c) An occupational therapist or occupational therapy assistant shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the occupational therapist or occupational therapy assistant responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner. All notes made in the client record by a licensed occupational therapy assistant, temporary licensed occupational therapist, temporary licensed occupational therapy assistant or an occupational therapy student fulfilling the required fieldwork component of his or her educational training, shall be countersigned by the supervising occupational therapist pursuant to N.J.A.C. 13:44K-10.1, notwithstanding the delegation of supervision responsibilities to a licensed occupational therapy assistant pursuant to N.J.A.C. 13:44K-6.4.

(d) An occupational therapist or occupational therapy assistant shall document any addenda or corrections to a client's record in a separately dated, signed and timed note.

13:44K-10.3 Release of client records

(a) An occupational therapist shall provide one copy of the client record of the occupational therapy services provided by the licensee within 30 days of a written request by the client, the client's guardian or any other party designated by the client or the client's guardian.

(b) An occupational therapist may charge a fee for the reproduction of the client record. Such fee shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the record request is less than 10 pages, the occupational therapist may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.

(c) An occupational therapist may provide a summary of the client record, unless otherwise required by law, provided that the summary adequately reflects the history of the occupational therapy services provided to the client. If a summary is provided, the charge for the summary shall not exceed \$1.00 per page or \$100.00, whichever is less. If the summary provided is less than 10 pages, the occupational therapist may charge up to \$10.00 to cover postage and the miscellaneous costs associated with producing the summary.

(d) An occupational therapist may charge a reasonable fee, consistent with the provisions of N.J.A.C. 13:44K-9.4, for the completion of reports, other than the summary provided for in (c) above, when a separate request for such reports is made.

(e) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, an occupational therapist shall not require advance payment as a condition for releasing the report, except that an occupational therapist may require advance payment for release of a report prepared by the occupational therapist for use by the occupational therapist as an expert witness on behalf of the client.

(f) The provisions of this section shall not apply to an occupational therapist who provides or offers occupational therapy services in connection with a medical, health, educational or social agency when the occupational therapist does not have control over or authority to release client records pursuant to agency policy.

SUBCHAPTER 11. FEES

13:44K-11.1 Fee schedule

(a) The following fees shall be charged by the Occupational Therapy Council:

1. Application fee	\$100.00
2. Initial license fee—occupational therapist:	
i. If paid during the first year of the biennial renewal period	160.00
ii. If paid during the second year of the biennial renewal period	80.00
3. Initial fee—occupational therapy assistant:	
i. If paid during the first year of the biennial renewal period	100.00
ii. If paid during the second year of the biennial renewal period	50.00
4. Biennial license renewal—occupational therapist	160.00
5. Biennial license renewal—occupational therapy assistant	100.00
6. Temporary license—occupational therapist	50.00
7. Temporary license—occupational therapy assistant	50.00
8. Temporary license renewal—occupational therapist	50.00
9. Temporary license renewal—occupational therapy assistant	50.00
10. Late renewal (up to 60 days after renewal deadline)	40.00
11. Reinstatement fee (over 60 days from renewal deadline)	80.00
12. Duplicate biennial registration fee	25.00
13. Duplicate wall certificate	40.00

Amended by R.2003 d.428, effective November 3, 2003.

See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

In (a), inserted new 8 and 9, and recodified former 8-11 as 10-13.